

# Rye City Planning Commission Minutes

December 14, 2004

## **PRESENT:**

Barbara Cummings, Chair  
Martha Monserrate, Vice-Chair  
Nick Everett (arrived late)  
Hugh Greechan  
Peter Larr

## **ABSENT:**

G. Patrick McGunagle  
H. Gerry Seitz

## **ALSO PRESENT:**

Christian K. Miller, AICP, City Planner  
George Mottarella, P.E., City Engineer  
Chantal Detlefs, City Naturalist

## **I. HEARINGS**

### **1. McComb Residence**

- Richard Horsman (applicant's landscape architect) provided an overview of the project noting it involved the construction of an addition to a residence within the 100-foot wetland buffer of Blind Brook.
- Horsman stated that as requested by the Commission the driveway that encroaches onto City of Rye property will be relocated to be completely on the applicant's property.
- Horsman reviewed the mitigation planting plan and the drainage measures, which will treat storm water runoff from the addition in sub-surface culvert units with an at grade overflow pipe.
- There was no public comment.

**ACTION:** Peter Larr made a motion, seconded by Hugh Greechan, that the Planning Commission close the public hearing on wetland permit application number WP159, which was carried by the following vote:

Barbara Cummings, Chair:	Aye
Martha Monserrate, Vice- Chair:	Aye
Nick Everett:	Absent
Hugh Greechan:	Aye
G. Patrick McGunagle:	Absent

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Peter Larr:

Aye

H. Gerry Seitz:

Absent

### II. ITEMS PENDING ACTION

#### 1. McComb Residence

- Commission requested that the applicant be required to replace the driveway asphalt on City property with vegetation other than managed turf. The City Planner and City Naturalist should approve the landscape material.
- Commission reviewed the draft resolution of approval and requested minor changes clarifying the conditions.

**ACTION:** Peter Larr made a motion, seconded by Martha Monserrate, that the Planning Commission conditionally approve wetland permit application number WP159, which was carried by the following vote:

Barbara Cummings, Chair:

Aye

Martha Monserrate, Vice- Chair:

Absent

Nick Everett:

Aye

Hugh Greechan:

Aye

G. Patrick McGunagle:

Absent

Peter Larr:

Aye

H. Gerry Seitz:

Absent

#### 2. Community Synagogue of Rye

- Commission member Everett arrived at the meeting.
- Jonathan Kraut (applicant's attorney) provided an overview of the application noting that it involved removing the previously approved caretaker's residence, modifying the size and configuration of the children's play area and expanding the parking area to create 12 additional overflow parking spaces to be limited to seasonal use. Mr. Kraut explained that the site plans have been revised to provide a plastic pervious material for the 12 angled parking spaces, replacing the previously proposed grasscrete.
- Mr. Kraut responded to neighbor concerns raised at the previous Planning Commission meeting regarding the visual impact of the expanded parking area. Mr. Kraut explained that the expanded parking area will not result in the loss of existing vegetation and that substantial white pines exist along the property line closest to the expanded parking area. Mr. Kraut stated that the applicant has

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1 agreed to provide 3 to 4-foot high evergreen shrubs along the property line to  
2 provide a visual screen.  
3

- 4 • The Commission expressed concern with the extent and intensity of lighting on  
5 the property and whether more lighting could be turned off during periods when  
6 the Synagogue is not in use. Mr. Kraut explained that the site plan resolution  
7 allows the applicant to keep lights on for security purposes during evening hours.  
8 Mr. Kraut explained that the Synagogue is a sensitive religious use and requires  
9 extra security measures but that he will review the lighting provisions with the  
10 Synagogue to see that lighting could be reduced to the lowest possible level.  
11
- 12 • The Planning Commission noted the location of a shed within the wetland buffer  
13 and recommended that it be relocated outside of the 100-foot regulated area.  
14
- 15 • The Planning Commission noted the receipt of comments from the CC/AC and  
16 requested that they be released to the applicant. The Planning Commission  
17 noted that the CC/AC comments include concerns with the application but they  
18 were submitted substantially after the required 30-day comment period. Mr.  
19 Kraut agreed to review the comments of the CC/AC and revise the plans for the  
20 maximum extent possible.  
21

### 22 3. Colahan Subdivision

- 23 • The Planning Commission reviewed the applicant's drainage plan with the City  
24 Engineer. Mr. Mottarella stated that the applicant applied the appropriate  
25 drainage criteria and followed the City's standards but that evidence of  
26 percolation tests was not provided. Mr. Mottarella requested that actual  
27 percolation test results be used as part of the applicant's analysis, rather than an  
28 assumed rate.  
29
- 30 • Commission questioned whether footing drains would be provided for the  
31 proposed residence. Rex Gedney (applicant's architect) explained that footing  
32 drains may be provided since the first floor elevation would be at 35, the cellar  
33 elevation would be at 26 and the deep hole tests indicated no water 8 feet below  
34 existing grade. Mr. Gedney stated that footing drains may be able to gravity flow  
35 towards subsurface dry wells.  
36
- 37 • The Planning Commission questioned the drainage provisions for the existing  
38 residence. Mr. Gedney stated that the existing residence had some dry wells on  
39 the property. The Planning Commission requested that the location of existing  
40 dry wells be shown on the plan.  
41
- 42 • The Planning Commission noted concern of the visual impact of the proposed  
43 driveway for the existing residence. The Commission stated that the aesthetic  
44 concern is significant given the property's proximity to the existing Rye Town  
45

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1 Park and the existing neighborhood character in this section of Forest Avenue.  
2 The Commission stated the proposed driveway would also impact an existing  
3 significant beech tree, which if lost, would also have an adverse character  
4 impact.

- 5  
6 • The Commission stated that it would prefer a common driveway using the  
7 existing driveway on the property to serve as access to both lots to reduce the  
8 aesthetic impact of the proposed subdivision. Commission stated that the loss of  
9 existing trees along the side property line would be acceptable if it meant that the  
10 existing beech tree on the site could be preserved.  
11
- 12 • The City Planner stated that if the Planning Commission chooses to require a  
13 common driveway that it would need to be wider (between 12 and 15 feet in  
14 width) in order to provide suitable access for two lots.  
15
- 16 • Planning Commission stated concern with the available sight distance for the  
17 proposed driveway noting that a wall would be required which could block a  
18 drivers view of oncoming traffic or pedestrians.  
19
- 20 • Rex Gedney (applicant's architect) stated that the aesthetics concern could be  
21 addressed with an alternative paving material and that the proposed wall is only  
22 4 feet high and would not block vehicle sight distance. Mr. Gedney added that a  
23 common driveway would double the existing traffic on the driveway closest to an  
24 abutting neighbor and approximately 80 feet from the intersection of Forest  
25 Avenue and Oakland Beach Avenue. Mr. Gedney added that there are existing  
26 pillars and a wall at the current access drive that may also serve to obstruct  
27 vehicle sight distance, which the Commission should consider.  
28
- 29 • The Planning Commission requested that the applicant review the traffic safety  
30 and vehicle sight distance concerns at the existing and proposed driveway.  
31
- 32 • The Planning Commission stated that it will defer setting the public hearing on  
33 this matter until an alternative driveway configuration is provided for its review.  
34

### **4. Lombardi and Sinis Subdivision**

- 35  
36  
37 • The Commission reviewed the proposed drainage measures with the applicant  
38 and City Engineer. The City Engineer requested that the drainage analysis be  
39 revised to comply with the City's criteria. The City Engineer stated that the  
40 results of the percolation tests should be provided in the applicant's submission.  
41 City Engineer requested that the applicant comply with the requirements of the  
42 Phase II stormwater quality requirements.  
43

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- 1 • City Engineer agreed that there would be no adverse impact on down stream  
2 properties on Morris Court from the proposed subdivision. City Engineer noted  
3 that all driveway runoff would be intercepted by proposed trench drains and  
4 directed toward on site drywells.  
5
- 6 • Planning Commission requested that the extent of tree removal within the Morris  
7 Court right of way be shown on the subdivision plans.  
8
- 9 • The Planning Commission requested that the applicant's sight distance analysis  
10 be revised to quantify the amount of sight distance provided at both driveway  
11 locations. The City Planner stated that the sight distance that is provided should  
12 be compared to criteria assuming a prevailing travel speed on Boston Post Road  
13 40 miles per hour. Planning Commission recognized that the relocation of the  
14 existing driveway appears to be an improvement but wanted that improvement  
15 quantified for the record.  
16
- 17 • The Planning Commission discussed its desire to restrict the location and  
18 orientation of the proposed residence on lot 74C. The City Planner stated that  
19 special language within the resolution and conditions would be required to meet  
20 the Planning Commission's request.  
21
- 22 • The Commission noted errors in the grading plan particularly for lot 74C and  
23 requested that the site plan be corrected including correcting the first floor  
24 elevation for the residence.  
25
- 26 • The Planning Commission discussed the possibility of providing a landscape  
27 buffer along Boston Post Road to preserve the character of this roadway. The  
28 Commission agreed it would discuss this matter at a later date.  
29

### **5. 259 Purchase Street**

- 30  
31  
32 • There was no applicant representation for this matter. There was no discussion  
33 by the Planning Commission.  
34

### **6. Yazigi Residence**

- 35  
36  
37 • Joe Murphy (CC/AC chair) stated that the Conservation Commission would  
38 provide comments to the Planning Commission.  
39
- 40 • The Planning Commission requested that the applicant consider alternatives to  
41 reduce the extent of increase in the 100-foot wetland buffer. The Commission  
42 noted that the proposed increase in impervious area of 1,400 square feet was  
43 substantial and should be reduced.  
44

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- 1       • The Planning Commission noted that it conducted a site walk of the property and  
2       observed a wetland area that appeared larger than that shown on the site plans.  
3       The Planning Commission requested that a wetland delineation be conducted for  
4       this property.  
5
- 6       • Richard Horsman (applicant's landscape architect) stated that a wetland  
7       delineation would be provided. Mr. Horsman stated that the applicant  
8       acknowledges the location of the wetland on or near the property and that a  
9       wetland mitigation plan has been provided to improve stormwater quality runoff.  
10      Mr. Horsman stated that the wetland appears to be surface flow from an  
11      unknown source along the side property line.  
12
- 13      • The Planning Commission requested that the applicant consider alternatives  
14      such as using the existing driveway and garage to meet the applicant's needs  
15      while minimizing the impact on the wetland and its adjacent buffer.  
16

### **7. Callund Residence**

- 17
- 18
- 19      • The Planning Commission noted that the application was presented to the  
20      Commission as a result of a complaint and a stop work order issued by the City  
21      of Rye in connection with tree removal and site disturbance activities on the  
22      applicant's property.  
23
- 24      • The Planning Commission noted that it conducted a site walk and questioned the  
25      size and configuration of the wetland on the site plan. The Commission  
26      requested that a more detailed wetland delineation be provided.  
27
- 28      • Richard Horsman (applicant's landscape architect) stated that he would provide  
29      more information regarding the wetland delineation. Mr. Horsman provided an  
30      overview of the drainage on the property noting that it comes from adjacent  
31      properties across the applicant's property to an existing storm water pipe that  
32      goes under Manursing Road. Mr. Horsman stated that the low-lying area on the  
33      property near the existing pipe under Manursing Road collects water causing a  
34      wetland to form.  
35
- 36      • Mr. Callund (property owner) stated that his property has a peculiar shape and  
37      wanted to use the only available area on this site for a managed lawn and play  
38      area. Mr. Callund stated he wanted to turn the existing garage to a day room  
39      and construct new-detached garage. The Planning Commission requested that  
40      the applicant provide soil test results delineating the boundary of the wetland and  
41      that the number and size of the trees removed on the property be indicated.  
42      This information will be used to confirm whether a violation of the City 's wetland  
43      law has occurred.  
44

### **8. 64 Purchase Street**

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- David Mooney (applicant's architect) stated that the applicant intends to demolish an existing building and construct a new 2-story building. Two retail spaces would be provided on the first floor and two professional office tenants would be created on the second floor.
- The Planning Commission requested that the proposed doors on the side of the building be modified so that they do not swing into the adjacent pedestrian easement area.
- The Planning Commission requested that the applicant re-think the size and location of the proposed dumpster in the rear of the property. The Commission noted that given the number of tenants that a larger dumpster area would be required and should be more accessible to all proposed tenants. The dumpster space should also be appropriately screened so as to not compete with the proposed rear storefront façade facing the City car park.
- The City Engineer requested that the applicant determine whether there is an existing City drain line under the existing building. If such a drain line exists there should be consideration to relocate this drain line to a City easement.
- The Planning Commission requested that the applicant provide a description of the easement terms and conditions.

### **9. Dogan Residence**

- The City Engineer and the Planning Commission expressed concern about the proposed basement and drainage plan. The Commission stated that the basement elevation would be below that of the adjacent pond and could resolve in the draining of the wetland through the footing drain. The City Engineer added that extending a new drain line in Sharon Lane would not be desirable since existing storm drains down stream have limited capacity and known drainage problems. The City Engineer suggested that a more appropriate concept would be to direct all storm water generated from the site towards the existing pond. New dry wells or other water quality measures should be provided to treat the first flush of pollutants.
- The Planning Commission and the City Engineer stated that a basement would have an adverse impact on the pond as well as possible construction concern involving rock removal and should not be provided.
- The applicant stated that it was seeking a variance from the zoning code provision that restricts the first floor elevation of the residence to no more than

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1 three feet above pre-existing grade. Ms. Dogan stated that the variance was  
2 needed to provide a better view of the pond.  
3

- 4 • The Planning Commission noted the substantial increase in impervious area on  
5 the site and recommended that the extent of the impervious area be reduced.  
6 The Commission noted that the applicant should not take credit in the  
7 calculation of the increase in impervious area of existing ledge rock on the site.  
8 The Commission noted that based on current information providing the required  
9 2 to 1 wetland mitigation plantings could be difficult to achieve.  
10

- 11 • Sid Burke (applicant's landscape architect) discussed the concept for wetland  
12 mitigation plantings and suggested that requiring the 2 to 1 standard was not  
13 necessary given that roofs and patios do not generate pollution loadings that  
14 require mitigation. The City Planner responded that the site includes a number  
15 of environmental constraints and that the increase in impervious area is a way  
16 for the Commission to evaluate the extent of the disturbance on the site within  
17 close proximity to a water body. The Commission and the City Planner stated  
18 that the 2 to 1 mitigation standard is repeatedly required by the Commission  
19 and should be met for this property.  
20

- 21 • The applicant clarified extent of floor area ratio variance that would be required  
22 for the proposed residence. The applicant stated that it would exceed  
23 permitted FAR limitation by approximately 350 feet.  
24

- 25 • The Commission agreed that given the environmental constraints on the  
26 property, that an alternative plan be presented for its review.  
27  
28